

# **CHAPTER 668**

## **Safety, Sanitation and Health**

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### **CROSS REFERENCES**

Health and sanitation generally - see Mich. Const. Art. 4, Sec. 51; M.C.L.A. Secs. 750.466 et seq.

Health and sanitation in home rule cities - see M.C.L.A. Secs. 117.3, 117.4i

Public safety generally - see M.C.L.A. Secs. 750.493 et seq.

Safety nuisances - see GEN. OFF. 660.05

Sanitation in animal premises - see GEN. OFF. 610.06

Sanitation in pet shops - see B.R. & T. 848.03

Sanitation in rental dwellings - see B. & H. 1482.15

### **668.01 INCORPORATION OF STATE LAWS.**

The statutes of the State relating to public health, sanitation, prevention of disease and the spreading thereof, and the rules and regulations of the State Department of Health, and all amendments or additions thereto, are hereby expressly incorporated into and made a part of this chapter. No person shall violate any such law, rule or regulation.

(1976 Code Sec. 6.01)

### **668.02 UNDESIRABLE ACCUMULATIONS ON PRIVATE PROPERTY; JUNK; MOTOR VEHICLES; BUILDING MATERIALS.**

No owner or person having possession of land shall permit the accumulation thereon of stumps, brush, debris, junk or dismantled motor vehicles or parts thereof, or the storage of new or used motor vehicles, except as otherwise provided in these Codified Ordinances. No building materials of any kind shall be stored on any private property for more than six months unless a building permit has been issued under the Building and Housing Code, except as otherwise provided in these Codified Ordinances. A person who violates this section shall be responsible for a civil infraction.

(1976 Code Sec. 26.01. Ord. 402. Passed 11-21-94.)

### **668.03 LITTERING AND DEPOSITS ON PUBLIC PROPERTY; OPEN**

**BURNING.**

- (a) Generally. No person shall place or throw any goods, wares, merchandise, machinery, junk, wood, rubbish, manure, leaves, grass, sawdust, ashes, garbage or refuse upon any public street, alley or sidewalk, except that leaves may be placed at the curbline of streets for collection by City forces during a period designated by the City Manager for such collection.
  - (b) Removal. Any person having the care, either as owner or occupant, of any premises bordered by a public street, alley or graded or paved sidewalk shall remove any of the materials described in subsection (a) hereof from that portion of the public street or alley abutting the premises and bordered by the nearest limit of the traveled portion of the street or alley.
  - (c) Building Materials; Permits. No person shall use any street or alley for the temporary storage of building material, equipment, facilities or merchandise, or for barricading or protecting building operations, without first obtaining a permit therefor. No building material, equipment or facilities so stored shall be placed in such a manner as to interfere with the normal drainage of the street or alley.
  - (d) Burning Rubbish. No person shall burn leaves, grass, wood, rubbish or other matter on any street, alley or public right of way.
  - (e) Penalty. A person who violates this section shall be responsible for a civil infraction.
- (Ord. 335. Passed 8-17-92. Ord. 656. Passed 12-16-04.)

**668.04 SMOKE.**

- (a) Emission of Dense Smoke Prohibited. No person shall cause or allow the emission of dense smoke and/or the ingredients thereof into the atmosphere in the City from any building, premises or machine.
- (b) Exceptions. The emission of dense smoke and/or the ingredients thereof for twenty minutes in any hour, once every twenty-four hours, when a new fire is being kindled in or under a cold boiler, cold furnace or other device shall not constitute a violation of this section. The emission of dense smoke and/or the ingredients thereof for a period aggregating six minutes in any one hour and not exceeding two minutes of continuous emission of such dense smoke and/or ingredients thereof shall not constitute a violation of this section.
- (c) Measurement of Density. For the purpose of determining, by comparison, the degree of darkness of smoke and/or the ingredients thereof, a color scale measurement is adopted, which measurement shall determine the density prohibited hereby. One thickness of grey glass of sufficient capacity to cut off sixty percent of light from a flame having the lighting power of sixteen candles shall be taken as the basis of the scale, and four thicknesses of such glass shall be known and designated as the No. 1 scale. The standard smoke tester or umbrascope which complies with these requirements is hereby adopted as the standard measurement for comparison of the degree of darkness of smoke. Smoke of a greater degree of darkness than the No. 1 scale shall be considered dense smoke.
- (d) Property Destruction. No person shall create or produce smoke of a density which causes substantial injury to the property of another, which produces material annoyance or inconvenience to the occupants of adjacent dwellings or which defiles carpets, curtains, linen or other household furnishings in adjacent dwellings.
- (e) Smokestacks. No person shall operate a boiler unless the top of the smoke stack is of

sufficient height or distance from nearby buildings, trees or other structures so that smoke emanating therefrom will be distributed above the level of the upper windows of adjacent dwellings.

(f) Unnecessary Smoke. No person shall operate a boiler in such a manner that unnecessary smoke is created thereby.

(g) Violation. A person who violates this section is responsible for a civil infraction.

(1976 Code Sec. 6.06. Ord. 403. Passed 11-21-94.)

#### **668.05 NOXIOUS WEEDS.**

- (a) It shall be the responsibility of the owner of every occupied and unoccupied premises to cut down, remove, destroy or otherwise obliterate all ragweed, Canada thistles, wild carrot, poison ivy, dodders, mustards, bindweed, perennial sowthistle, hoary alyssum ragweed, poison sumac, grass over 8 inches in height (except for grasses located along or in a body of water or wetlands), or other plants which are declared by the City Commission to be a nuisance, or which are declared a nuisance by Section 2 of Act 359 of the Public Acts of 1941, as amended (M.C.L.A. 247.61 et seq.), growing on property owned by such person or under his or her possession or control, or on that portion of the public street or alley abutting the property and bounded by the established curb or gutter line. Any such grass over 8 inches in height or such weeds are declared to be a public nuisance and shall be cut and removed or destroyed by the City, and the cost of such cutting, removal or destruction shall be collected as a lien on said premises.
- (b) The word grass shall not include cultivated flowers and gardens, including but not limited to native plantings used for aesthetic and/or to offset and control any soil loss problems either occurring or predicted.
- (c) There is hereby adopted and made applicable in the City Act 359 of the Public Acts of 1941, as amended (MCLA 246.61 et. Seq.)
- (d) The City may publish a notice in a newspaper of general circulation in the County during the month of March that grass over 8 inches in height and weeds not cut by May 1 and as necessary through November 1 of that year may be cut by the City and that the owner of the property will be charged with the cost thereof under Section 4 of Act 359. The publication shall also contain all other information required of the notice provided for in such Section 4. The City may cut grass over 8 inches in height and weeds as many times as is necessary and charge the cost thereof to the property owner. The provision of this section relative to the entering of property for the cutting of grass over 8 inches in height and weeds shall not be applicable to railroads, which railroads shall continue to be subject to Section 11 of such Act. Such notice may be in the following form:

#### **NOTICE**

#### **GRASS OVER 8 INCHES IN HEIGHT AND NOXIOUS WEED CUTTING**

Pursuant to Section 4a of Act 359 of the Public Acts of 1941, as amended (M.C.L.A. 247.61 et seq.), notice is hereby given that noxious weeds described in Section 2 of such Act and in Section 668.05 of the Codified Ordinances and grass over 8 inches in height as described in that section shall be cut by May 1, and as necessary through November 1 by owners of property on which they exist, or the same may be cut by the City and charged to the land owner or become a lien on the property.

By Order

CITY OF TRAVERSE CITY

(e) A person who violates this section is responsible for a civil infraction.  
(Ord. 423. Passed 6-19-95. Ord. 560. Passed 4-1-02. Ord. 683. Passed 09-06-05.)

**668.06 BARBED WIRE FENCES.**

No person shall place or maintain any barbed wire fencing or any strands of barbed wire along the line of or in any street, alley or public place. No person shall place or allow barbed wire fencing or barbed wire to remain between any premises owned or occupied by him or her and the adjoining premises, or place or allow to remain any barbed wire fencing or barbed wire in any place where it may expose any person to injury. However, a person may place such barbed wire at the top of a legal fence when placed not less than six feet from the ground. A person who violates this section is responsible for a civil infraction.  
(1976 Code Sec. 26.04. Ord. 405. Passed 11-21-94.)

**668.07 DISCARDED REFRIGERATORS AND AIRTIGHT CONTAINERS.**

(a) No person shall own, discard or permit to be stored unattended on any premises within his or her control any discarded or unused ice box, refrigerator, safe or other closed container capable of trapping a child or other person inside.  
(b) No person shall leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight snap lock or door, without first removing the lock or door from the ice box, refrigerator or container.  
(1976 Code Sec. 26.21)

**668.08 BARRICADES AND WARNING LIGHTS FOR EXCAVATIONS.**

Any person making any excavation on public or private property, which excavation may endanger the public or be an attractive nuisance to children, or the owner of the property on which such excavation exists, shall erect sufficient barriers around the excavation to ensure public safety and shall keep an adequate number of lighted lamps on such barriers at night. A person who violates this section is responsible for a civil infraction.  
(1976 Code Sec. 26.22. Ord. 406. Passed 11-21-94.)

**668.09 PICKETING.**

- (a) No person shall hinder or prevent, by mass picketing, threats, intimidation, force or coercion of any kind, the pursuit of any lawful work or employment; obstruct or interfere with entrance to or egress from any place of employment; or obstruct or interfere with free and uninterrupted use of public roads, streets, highways, railways, airports or other ways of travel or conveyance. No person, acting either individually or as one of a group, shall engage in picketing a private residence by any means. Picketing, to the full extent that the same is authorized under constitutional provisions, shall not be prohibited.  
(b) No person shall hinder or prevent, or attempt to hinder or prevent, by mass picketing, the pursuit of any lawful work or employment.  
(c) This section shall not prevent lawful picketing to the extent that the same is authorized under constitutional provisions. However, individuals forming or constituting any picket

line on a public street or highway shall maintain such distance from one another so that persons desiring to pass through such picket line may do so.

- (d) No picket line shall interfere with the free passage of motor vehicles when such picket line is located in a public street, highway or alley.

(1976 Code Sec. 26.26)

#### **668.10 RADIO INTERFERENCE.**

- (a) General Prohibition. No person shall knowingly or wantonly operate or cause to be operated any machine, device, apparatus or instrument between 10:00 a.m. and 12:00 midnight, the operation of which machine, device, apparatus or instrument causes reasonably preventable electrical interference with the operation of any radio receiving set or with radio reception in the City. X-ray pictures, examinations or treatment may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated.
- (b) Inspections. The City Manager or his or her authorized representative may enter any premises at any reasonable hour for the purpose of inspecting the installation and working of all apparatus coming within the meaning of this section.
- (c) Fluorescent Fixtures. No person shall install, use or operate any fluorescent electrical fixture unless such fixture is equipped with proper condensers in such a condition that radio interference is not caused by the operation of the fixture.
- (d) Exceptions. This section shall not apply to any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce, the operation of which instrument, apparatus or device is licensed or authorized under any act of Congress. (1976 Code Sec. 26.25)
- (e) Violation. A person who violates this section is responsible for a civil infraction.

(Ord. No. 408. Passed 12-19-94.)

#### **668.11 REMOVAL OF SNOW AND ICE; RESPONSIBILITY; COSTS.**

- (a) The removal of snow and ice from private property and the sidewalk abutting or crossing private property shall be the responsibility of the occupant of such private property. However, if there is no occupant or if the occupant cannot be determined due to multiple occupancy of the property, then the responsibility shall be the owners of such private property. The removal of snow and ice from public property and the sidewalk abutting or crossing such public property shall be the responsibility of the political subdivision or governmental agency that either owns or occupies the public property.
- (b) No person shall place snow removed from private property or accumulated on private property upon any public street, alley, sidewalk or other public property. No person shall conduct or cause to be conducted snow removal operations which remove snow from commercial, industrial, motel or multifamily residence premises or parking lots and deposit it upon private property that is zoned for single or two-family residences.
- (c) A person who violates this section is responsible for a civil infraction. In addition to the standard sanction imposed by these Codified Ordinances, any person whose act or omission violates this section and results in the City causing work to be done for the removal of snow and ice shall be liable to the City for the cost of such work, plus an administrative and overhead charge of ten percent of the cost of such work.

(Ord. 50. Passed 4-3-78. Ord. No. 409. Passed 12-19-94.)

**668.12 DISTRIBUTION OF HANDBILLS.**

- (a) Littering Streets. No person shall distribute, post, throw, drop or scatter in any street, alley or public place any posters, handbills, cards, samples or matter used for the purpose of advertising in such a manner as to result in the littering of any street, alley or public place.
  - (b) Littering Private Property. No person shall distribute handbills, cards, samples or advertising matter on private property in such a manner as to cause the littering of any private property not his or her own.
  - (c) Depositing on Vehicles. No person shall attach any handbills, cards, papers or advertising material to any portion of any motor vehicle parked in any public place, or deposits such material within or upon such vehicle.
  - (d) At Night. No person shall go about the streets, alleys or other public places for the purpose of distributing posters, handbills, cards, samples or matter used for the purpose of advertising from sunset to sunrise of the following day.
  - (e) Violation. A person who violates this section is responsible for a civil infraction.
- (1976 Code Sec. 9.11. Ord. 639. Passed 5-3-04.)

**668.13 DEFACING AND LITTERING PUBLIC BUILDINGS AND PLACES OF WORSHIP.**

No person shall mar or litter any hallway, stairway, sidewalk or step to any public building or place of worship.

(1976 Code Sec. 26.03)

**668.14 BIRD AND WATERFOWL FEEDING.**

- (a) Purpose. The presence of large numbers of certain species of birds and waterfowl cause a public health nuisance by contaminating beaches and nearby public swimming areas, shoreline parks, river ways, buildings in the core downtown, sidewalks and pathways used by the public. Accordingly, this Ordinance is adopted to prevent such conduct as may attract and concentrate certain species on and around Grand Traverse Bay, Boardman River, Boardman Lake, Kids Creek and its tributaries, City Parks and the core downtown in the City of Traverse City.
- (b) Definitions.
  - i. “Core Downtown” shall mean that the area of Traverse City Business District described as coinciding with the official boundaries of the Downtown Development Authority districts.
  - ii. “Shoreline” shall mean Grand Traverse Bay, Boardman Lake, the Boardman River, Kids Creek, and their tributaries, including beaches of such.
  - iii. “Domestic Waterfowl” shall mean non-native ducks, geese and swans not retained in agricultural operations.
  - iv. “Feed and Feeding” shall mean the act of feeding or the furnishing of food or other sustenance in any form to bird or waterfowl species regulated by this Ordinance.
  - v. “Migratory Waterfowl” shall mean ducks, geese and swans native to North America.

- vi. "Pigeon" shall mean any of the various birds of the widely distributed family Columbidae, especially the rock dove or any of its domesticated varieties.

(c) Prohibition on Feeding.

    Migratory and Domestic Waterfowl:

- i. No person shall feed, cause to be fed, or provide food for domestic or migratory waterfowl or gulls located on lands either privately or publicly owned within 100 feet of the Shoreline, in the Core Downtown, or in any City Park.
- ii. No person shall create or foster any condition, or allow any condition to exist or continue, which results in a congregation or congestion of domestic or migratory waterfowl or gulls on lands either privately or publicly owned within 100 feet of the Shoreline, in Duncan Clinch Marina, the Core Downtown, or in any City Park.

    Pigeons:

- i. No person shall feed, cause to be fed, or provide food for pigeons located in the Core Downtown area.
- ii. No person shall create or foster any condition, or allow any condition to exist or continue, which results in a congregation or congestion of pigeons within the Core Downtown area.

- (d) Exceptions. This section shall not be construed to prohibit humane acts towards waterfowl in individual cases, such as the temporary nurturing of a wounded bird on one's own premises, or birdfeeders erected and maintained for the purpose of feeding other avian species.

- (e) Penalty. A person who violates this section shall be responsible for a municipal civil infraction.

(Ord. 790. Passed 3-17-08.)

**668.15 ENTERTAINMENT IN THE C-4 AND D DISTRICTS.**

No person shall cause or allow live public entertainment in the C-4 (Regional Center) District and D (Development) District to take place between the hours of 2 a.m. and 6 a.m. A person who violates this section shall be responsible for a civil infraction. This section does not apply to live entertainment on January 1 or entertainment associated with city-approved festivals. This section may be waived by the City Manager in the event that such entertainment will not detrimentally affect the public health, safety and welfare.

(Ord. 908. Passed 03-21-11.)

**668.16 APPEARANCE TICKETS.**

The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (M.C.L.A. 764.9c(2); M.S.A. 28.868(3)(2)). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

(Ord. 351. Passed 5-17-93.)

**668.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty is no specific penalty is provided.)